



Sen. Mattie Hunter

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LRB098 20292 RPM 58824 a

1 AMENDMENT TO HOUSE BILL 5925

2 AMENDMENT NO. _____. Amend House Bill 5925 as follows:

3 on page 1, immediately below line 3, by inserting the
4 following:

5 "Section 1. The Illinois Health Information Exchange and
6 Technology Act is amended by changing Section 40 as follows:

7 (20 ILCS 3860/40)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 40. Reliance on data. Any health care provider who
10 relies in good faith upon any information provided through the
11 ILHIE in his, her, or its treatment of a patient shall be
12 immune from criminal or civil liability or professional
13 discipline arising from any damages caused by such good faith
14 reliance. This immunity does not apply to acts or omissions
15 constituting gross negligence or reckless, wanton, or

1 intentional misconduct. Notwithstanding this provision, the
2 Authority does not waive any immunities provided under State or
3 federal law.

4 (Source: P.A. 96-1331, eff. 7-27-10.)"; and

5 on page 3, immediately below line 1, by inserting the
6 following:

7 "Section 7. The Medical Patient Rights Act is amended by
8 changing Section 3 as follows:

9 (410 ILCS 50/3) (from Ch. 111 1/2, par. 5403)

10 Sec. 3. The following rights are hereby established:

11 (a) The right of each patient to care consistent with sound
12 nursing and medical practices, to be informed of the name of
13 the physician responsible for coordinating his or her care, to
14 receive information concerning his or her condition and
15 proposed treatment, to refuse any treatment to the extent
16 permitted by law, and to privacy and confidentiality of records
17 except as otherwise provided by law.

18 (b) The right of each patient, regardless of source of
19 payment, to examine and receive a reasonable explanation of his
20 total bill for services rendered by his physician or health
21 care provider, including the itemized charges for specific
22 services received. Each physician or health care provider shall
23 be responsible only for a reasonable explanation of those

1 specific services provided by such physician or health care
2 provider.

3 (c) In the event an insurance company or health services
4 corporation cancels or refuses to renew an individual policy or
5 plan, the insured patient shall be entitled to timely, prior
6 notice of the termination of such policy or plan.

7 An insurance company or health services corporation that
8 requires any insured patient or applicant for new or continued
9 insurance or coverage to be tested for infection with human
10 immunodeficiency virus (HIV) or any other identified causative
11 agent of acquired immunodeficiency syndrome (AIDS) shall (1)
12 give the patient or applicant prior written notice of such
13 requirement, (2) proceed with such testing only upon the
14 written authorization of the applicant or patient, and (3) keep
15 the results of such testing confidential. Notice of an adverse
16 underwriting or coverage decision may be given to any
17 appropriately interested party, but the insurer may only
18 disclose the test result itself to a physician designated by
19 the applicant or patient, and any such disclosure shall be in a
20 manner that assures confidentiality.

21 The Department of Insurance shall enforce the provisions of
22 this subsection.

23 (d) The right of each patient to privacy and
24 confidentiality in health care. Each physician, health care
25 provider, health services corporation and insurance company
26 shall refrain from disclosing the nature or details of services

1 provided to patients, except that such information may be
2 disclosed: (1) to the patient, (2) to the party making
3 treatment decisions if the patient is incapable of making
4 decisions regarding the health services provided, (3) for those
5 parties directly involved with providing treatment in
6 accordance with 45 CFR 164.501 and 164.506, (4) for to the
7 patient or processing the payment in accordance with 45 CFR
8 164.501 and 164.506, (5) to for that treatment, those parties
9 responsible for peer review, utilization review, and quality
10 assurance, (6) for health care operations in accordance with 45
11 CFR 164.501 and 164.506, (7) to and those parties required to
12 be notified under the Abused and Neglected Child Reporting Act
13 or the Illinois Sexually Transmissible Disease Control Act, or
14 (8) as where otherwise permitted, authorized, or required by
15 State or federal law. This right may be waived in writing by
16 the patient or the patient's guardian or legal representative,
17 but a physician or other health care provider may not condition
18 the provision of services on the patient's, ~~or~~ guardian's, or
19 legal representative's agreement to sign such a waiver. In the
20 interest of public health, safety, and welfare, patient
21 information, including, but not limited to, health
22 information, demographic information, and information about
23 the services provided to patients, may be transmitted to or
24 through a health information exchange, as that term is defined
25 in Section 2 of the Mental Health and Developmental
26 Disabilities Confidentiality Act, in accordance with the

1 disclosures permitted pursuant to this Section. Patients shall
2 be provided the opportunity to opt out of their health
3 information being transmitted to or through a health
4 information exchange in accordance with the regulations,
5 standards, or contractual obligations adopted by the Illinois
6 Health Information Exchange Authority in accordance with
7 Section 9.6 of the Mental Health and Developmental Disabilities
8 Confidentiality Act, Section 9.6 of the AIDS Confidentiality
9 Act, or Section 31.8 of the Genetic Information Privacy Act, as
10 applicable. In the case of a patient choosing to opt out of
11 having his or her information available on an HIE, nothing in
12 this Act shall cause the physician or health care provider to
13 be liable for the release of a patient's health information by
14 other entities that may possess such information, including,
15 but not limited to, other health professionals, providers,
16 laboratories, pharmacies, hospitals, ambulatory surgical
17 centers, and nursing homes.

18 (Source: P.A. 86-895; 86-902; 86-1028; 87-334.); and

19 on page 9, by replacing line 4 with the following:

20 "(3) where the person providing informed consent is a";

21 and

22 on page 9, line 13, after "provider", by inserting "or health
23 care professional"; and

1 on page 13, line 25, after "provider", by inserting ", health
2 care professional,"; and

3 on page 16, line 14, by replacing "provider;" with "provider or
4 health care professional;"; and

5 on page 16, line 16, after "provider", by inserting "or health
6 care professional"; and

7 on page 17, line 11, by replacing "professionals," with
8 "professionals or health care providers,"; and

9 on page 44, line 4, by replacing "professionals," with
10 "professionals or health care providers,"; and

11 on page 60, immediately below line 18, by inserting the
12 following:

13 "Section 30. The Code of Civil Procedure is amended by
14 changing Section 8-802 as follows:

15 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

16 Sec. 8-802. Physician and patient. No physician or surgeon
17 shall be permitted to disclose any information he or she may
18 have acquired in attending any patient in a professional
19 character, necessary to enable him or her professionally to

1 serve the patient, except only (1) in trials for homicide when
2 the disclosure relates directly to the fact or immediate
3 circumstances of the homicide, (2) in actions, civil or
4 criminal, against the physician for malpractice, (3) with the
5 expressed consent of the patient, or in case of his or her
6 death or disability, of his or her personal representative or
7 other person authorized to sue for personal injury or of the
8 beneficiary of an insurance policy on his or her life, health,
9 or physical condition, or as authorized by Section 8-2001.5,
10 (4) in all actions brought by or against the patient, his or
11 her personal representative, a beneficiary under a policy of
12 insurance, or the executor or administrator of his or her
13 estate wherein the patient's physical or mental condition is an
14 issue, (5) upon an issue as to the validity of a document as a
15 will of the patient, (6) in any criminal action where the
16 charge is either first degree murder by abortion, attempted
17 abortion or abortion, (7) in actions, civil or criminal,
18 arising from the filing of a report in compliance with the
19 Abused and Neglected Child Reporting Act, (8) to any
20 department, agency, institution or facility which has custody
21 of the patient pursuant to State statute or any court order of
22 commitment, (9) in prosecutions where written results of blood
23 alcohol tests are admissible pursuant to Section 11-501.4 of
24 the Illinois Vehicle Code, (10) in prosecutions where written
25 results of blood alcohol tests are admissible under Section
26 5-11a of the Boat Registration and Safety Act, (11) in criminal

1 actions arising from the filing of a report of suspected
2 terrorist offense in compliance with Section 29D-10(p)(7) of
3 the Criminal Code of 2012, ~~or~~ (12) upon the issuance of a
4 subpoena pursuant to Section 38 of the Medical Practice Act of
5 1987; the issuance of a subpoena pursuant to Section 25.1 of
6 the Illinois Dental Practice Act; the issuance of a subpoena
7 pursuant to Section 22 of the Nursing Home Administrators
8 Licensing and Disciplinary Act; or the issuance of a subpoena
9 pursuant to Section 25.5 of the Workers' Compensation Act, or
10 (13) to or through a health information exchange, as that term
11 is defined in Section 2 of the Mental Health and Developmental
12 Disabilities Confidentiality Act, in accordance with State or
13 federal law.

14 In the event of a conflict between the application of this
15 Section and the Mental Health and Developmental Disabilities
16 Confidentiality Act to a specific situation, the provisions of
17 the Mental Health and Developmental Disabilities
18 Confidentiality Act shall control.

19 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;
20 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)".